

By: Senator(s) Horhn

To: Judiciary

SENATE BILL NO. 2823

1 AN ACT TO CREATE NEW CODE SECTION 17-25-1, MISSISSIPPI CODE  
2 OF 1972, TO PROHIBIT LOCAL GOVERNMENTS FROM CHARGING AN IMPOUND OR  
3 TOWING FEE TO THE VICTIM OF A MOTOR VEHICLE THEFT UPON RECOVERY OF  
4 THE STOLEN VEHICLE; TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF  
5 1972, TO REVISE THE IMPOSITION OF STORAGE CHARGES AGAINST TOWED  
6 VEHICLES; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. The following provision shall be codified as  
9 Section 17-25-1, Mississippi Code of 1972:

10 17-25-1. The governing authority of any municipality or  
11 county is prohibited from assessing any fee whatsoever to any  
12 owner of a motor vehicle either for impounding or storage of the  
13 vehicle or for towing charges when the owner retrieves the stolen  
14 vehicle within eight (8) working days after the postmarked date of  
15 written notification of the exact location of the vehicle mailed  
16 to the owner's last known address subsequent to recovery of the  
17 vehicle by law enforcement officers or other employees of the  
18 local government, regardless of whether the towing or storage is  
19 performed by the local government or by a private towing company  
20 under contract with the local government. Any towing or storage  
21 provided by a private towing company under contract with the local  
22 government shall be at the expense of the local government.

23 Any such fees, however, may be assessed against any person  
24 subsequently convicted of the larceny or carjacking of the  
25 vehicle.

26 After the expiration of the eight-day grace period, the owner  
27 of the vehicle may be required to pay towing and impound fees to  
28 the local government, and may receive amounts in restitution

29 ordered against any person subsequently convicted of the larceny  
30 or carjacking of the vehicle incurring imposition of towing or  
31 storage charges.

32 Towing companies shall comply with all the requirements of  
33 Section 85-7-251, Mississippi Code of 1972.

34 SECTION 2. Section 85-7-251, Mississippi Code of 1972, is  
35 amended as follows:

36 85-7-251. (1) The owner of a motor vehicle that has been  
37 towed at his request or at the direction of a law enforcement  
38 officer, or towed upon request of a real property owner upon whose  
39 property a vehicle has been left without permission of the real  
40 property owner for more than five (5) days, shall be liable for  
41 the reasonable price of towing and storage of such vehicle  
42 provided that the towing company has complied with the  
43 requirements of this section; and the towing company to whom the  
44 price of such labor and storage costs may be due shall have the  
45 right to retain possession of such motor vehicle until the price  
46 is paid unless it has not complied with the requirements of this  
47 section.

48 (2) Within twenty-four (24) hours, the towing company shall  
49 report to the local law enforcement agency having jurisdiction any  
50 vehicle that has been towed unless the vehicle was towed at the  
51 request of the owner of the vehicle. If the owner of a towed  
52 vehicle has not contacted the towing company within five (5)  
53 business days of any initial tow that was not at the request of  
54 the owner of the vehicle, the towing company shall obtain from the  
55 appropriate authority the names and addresses of any owner and  
56 lienholder. If the information from the appropriate authority  
57 fails to disclose the owner or lienholder, a good faith effort  
58 shall be made by the towing company to locate ownership, including  
59 a check for tag information, inspection sticker, or any papers in  
60 the vehicle that may indicate ownership. Upon location of the  
61 owner and lienholder, the towing company shall notify them by

62 registered mail of the amount due for towing and the amount  
63 accruing daily for storage and all other charges, postmarked no  
64 later than seven (7) days following the initial tow. If such  
65 amount shall not be paid within thirty (30) days from the initial  
66 tow, the towing company to whom such charges are payable shall  
67 notify by certified mail any legal owner and holder of any lien,  
68 as disclosed by the motor vehicle title records or other  
69 investigation, of notice of sale of the property. If such  
70 property has not been redeemed within ten (10) days after the  
71 mailing of the certified letter, the towing company may commence  
72 sale of the property at public auction. The towing company shall  
73 publish for two (2) consecutive weeks a notice of sale in the  
74 newspaper having circulation in the county where the vehicle was  
75 initially towed. The proceeds of the sale of such property in  
76 excess of the amount needed to pay the towing, reasonable storage  
77 and necessary expenses of the procedures required by this section  
78 shall be held by the towing company for a period of six (6)  
79 months, and, if not reclaimed by the owner thereof within such  
80 time, shall become the property of the county and be paid to the  
81 chancery clerk of the county in which the sale was held to be  
82 deposited into the county general fund, subject, however, to any  
83 rights of the recorded lienholder.

84 (3) The failure to make a good faith effort to comply with  
85 the requirements of this section shall preclude the imposition of  
86 any storage charges or towing charges whatsoever against the towed  
87 vehicle.

88 (4) Every towing company shall maintain accurate records for  
89 a period of three (3) years, which records shall identify the  
90 vehicles it has towed and stored and all procedures that it has  
91 taken to comply with the provisions of this chapter.

92 SECTION 3. This act shall take effect and be in force from  
93 and after July 1, 2001.